

STATE OF NEW YORK

9067

IN SENATE

June 15, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to requiring counties to maintain a confidential registry of people of all ages with disabilities for evacuation and sheltering during disasters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 23-a of the executive law, as added by chapter 658
2 of the laws of 1996, is amended to read as follows:

3 § 23-a. [~~County~~] Confidential county registry of [~~disabled persons~~]
4 people of all ages with disabilities, as that term is defined in subdi-
5 vision twenty-one of section two hundred ninety-two of this chapter;
6 notice. 1. In each county having a local [~~disaster-preparedness~~]
7 comprehensive emergency management plan pursuant to section twenty-three
8 of this article, in order to meet the special needs of persons of all
9 ages with disabilities who would need assistance during evacuations and
10 sheltering because of physical or mental [~~handicaps~~] disabilities, it
11 [~~is recommended~~] shall be required that each chief executive maintain a
12 confidential registry of [~~disabled persons~~] people of all ages with
13 disabilities located within the county. People of all ages with disa-
14 bilities shall be given the option to be included in the registry. The
15 [~~registration~~] registry shall identify those persons in need of assist-
16 ance and plan for resource allocation to meet those identified needs.
17 To assist the chief executive in identifying such persons, the county
18 department of health, [~~or~~] and the county department of social services,
19 the county department of mental health, such other county department or
20 agency as designated by the chief executive, shall provide [~~voluntary~~]
21 information about the registry and the registration [~~information~~] proc-
22 ess to all of its [~~special-needs-clients~~] consumers of all ages with
23 disabilities and to all incoming [~~clients~~] consumers as part of the
24 intake process. The registry shall be updated annually. The registra-
25 tion program shall give [~~disabled persons~~] such people of all ages with
26 disabilities the option of pre-authorizing emergency response personnel

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 to enter their homes during search and rescue operations if necessary to
2 assure their safety and welfare during disasters.

3 2. Upon the establishment of a [~~voluntary~~] confidential registry of
4 [~~disabled persons~~] people of all ages with disabilities as provided in
5 subdivision one of this section, the chief executive shall make such
6 registry available to the appropriate county, state and federal agencies
7 for their use in delivering services in the event of a local or state
8 disaster. The chief executive shall, upon [~~the~~] request [~~of the state~~
9 ~~emergency management office~~], provide such registry information to
10 [~~such~~] the state emergency management office, provided that the confi-
11 dentiality of such information is preserved. The chief executive may,
12 at his or her discretion, use the registry information for local disas-
13 ter preparedness [~~only~~] in coordination with other political subdivi-
14 sions of the state, provided that the confidentiality of such informa-
15 tion is preserved.

16 3. Upon the establishment of a [~~voluntary~~] confidential registry of
17 [~~disabled persons~~] people of all ages with disabilities as provided in
18 subdivision one of this section, [~~at least semi-annually,~~] each chief
19 executive shall annually cause to be published in a newspaper of general
20 circulation within the county a notice of the availability of the
21 [~~voluntary~~] registration program and each chief executive shall, in his
22 or her discretion, also provide information about the registry and the
23 registration process to other forms of media, and shall further ensure
24 that information about the registry and the registration process is
25 available on the website of such county.

26 4. All records, data, information, correspondence and communications
27 relating to the registration of [~~disabled persons~~] people of all ages
28 with disabilities as provided in subdivision one of this section are
29 confidential, except that such information shall be available to other
30 county chief executives for local disaster preparedness only as the
31 chief executive of the county maintaining such registry deems necessary.
32 Provided, however, the individual file of a person having registered
33 with the confidential registry of [~~disabled persons~~] people of all ages
34 with disabilities shall be made available to that person upon request.

35 5. All community-based services providers, including home health care
36 providers, shall assist the chief executive by collecting confidential
37 registration information for people [~~with special needs~~] of all ages
38 with disabilities who choose to provide such information as part of
39 program intake processes, establishing programs to increase the aware-
40 ness of the registration process, and educating [~~clients~~] consumers
41 about the procedures that may be necessary for their safety during
42 disasters.

43 6. A county shall not be liable for any claim based upon the reason-
44 able, good faith exercise or performance or the reasonable, good faith
45 failure to exercise or perform a function or duty on the part of any
46 officer or employee in carrying out a local disaster preparedness plan.

47 § 2. This act shall take effect on the first of January next succeed-
48 ing the date on which it shall have become a law.